

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MAY 13, 2014**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan
	Kevin Dotey
	Stephen Greco
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

Mayor Dobies added the following items to the Agenda for the meeting tonight: (1) Permit fees for flooding, (2) Logs along Bound Brook; and (3) Acceptance of a commission resignation.

PROCLAMATIONS

The Borough Clerk proclaimed May 11, 2014 – May 17, 2014 as Police Week in Middlesex Borough:

Police Week & Peace Officers Memorial Day

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Middlesex Borough Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Middlesex Borough; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against

violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Middlesex Borough Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I Ronald S. Dobies, call upon the citizens of Middlesex Borough and upon patriotic, civic and educational organizations to observe the week of May 11 through May 17, 2014, as Police Week in which all of our citizens may join commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon the citizens of Middlesex Borough to observe Sunday, May 11, 2014 as Peace Officers Memorial Day in honor of all officers who, by their courageous deeds, have lost their lives or have become disabled in the performance of duty.

The Borough Clerk proclaimed May, 2014 as Older American's Month:

PROCLAMATION

WHEREAS, May, 2014 has been designated National Older Americans Month; and

WHEREAS, the Director of the Office on Aging has designated "Safe Today, Healthy Tomorrow" as the theme for Older Americans Month; and

WHEREAS, Middlesex Borough recognizes the value and contributions of our older citizens.

NOW THEREFORE, I, RONALD S. DOBIES, Mayor of the Borough of Middlesex, hereby proclaim May, 2014 to be Older Americans Month and urge citizens of this community to honor and celebrate this special event.

APPOINTMENT

Mayor Dobies accepted the resignation of Elizabeth Platten from the Shade Tree Commission due to family obligations.

PRESENTATIONS-NONE

PUBLIC HEARING-NONE

NEW BUSINESS

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #130-14

**BOROUGH OF MIDDLESEX
MIDDLESEX COUNTY, NEW JERSEY
BUDGET INTRODUCTION**

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2014.

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2014;

BE IT FURTHER RESOLVED that said Budget be published in the Courier News, New Jersey in the issue of May 22, 2014.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2014:

General Appropriations:

Appropriations Within "CAPS"	\$11,884,622.03
Municipal Purposes	
Appropriations Excluded from "CAPS"	4,453,470.72
Municipal Purposes	
Reserve for Uncollected Taxes – Based on	
Estimated 98+ Percent of Taxes Collections	<u>876,435.00</u>
 Total General Appropriations	 17,214,527.75
 Less: Anticipated Revenues Other Than Current	
Property Taxes	<u>5,352,573.81</u>
 Difference: Amount to be Raised by Taxes	
For Support of Municipal Budget:	
a) Local Tax for Municipal Purposes Including	
Reserve for Uncollected Taxes	<u>\$11,394,628.30</u>
 b) Municipal Library Tax	 <u>\$ 467,325.64</u>

Swimming Pool Utility Operating Fund

Total Swimming Pool Revenues \$ 389,390.00

Total Swimming Appropriations \$ 389,390.00

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, on May 13, 2014.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on June 10, 2014 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

Council President Kaplan indicated that during the budget process the committee worked hard to address all concerns and thanked everybody that worked on the budget. The introduced budget has a 6.7 point increase, which is approximately a \$62.00 increase on a home assessed at \$90,000. At this time we do not know the impact the state budget will have on our budget, and we are waiting for information from the Governor's Office.

Councilman Kaplan made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1850-14 for introduction.

ORDINANCE NO. 1850-14

An Ordinance of the Borough of Middlesex, County of Middlesex and State of New Jersey amending Chapter 129 of the Code of the Borough of Middlesex to Permit the Maintenance of Community Cats in Managed Colonies

Be it ordained by the Mayor and Council of the Borough of Middlesex as follows:

§ 129-36 Definitions.

For the purposes of this Article V, the following terms shall have the meaning set forth in this provision. When not inconsistent with the context words used in the present tense include the future, words in the plural include the singular, words in the singular include the plural and words in the male gender include the female gender.

Animal Control Officer means any person or agency appointed as mandated by N.J.S.A. 4:19-15.16(b).

COMMUNITY CAT -- any cat living outside as a result of having been born outside or abandoned.

CARE GIVER – shall mean an individual or individuals designated by the Sponsor who shall be responsible for the normal and customary care of any community cat(s) including providing food, water and veterinary care, when indicated.

TNR – shall mean a program where a Community Cat is trapped, spayed or neutered, and returned to the place where it had been trapped.

MANAGED COLONY -- one or more community cat(s) having undergone TNR and being cared for by a Care Giver(s) who provide daily food and water and necessary and reasonable veterinary care for cats and who adopt out cats who would thrive in an adoptive home and for whom such home exists.

SPONSOR -- means Paws For Peace, Inc., a non-profit corporation.
§ 129-37 Regulations.

A. Managed Colonies shall be permitted in the Borough of Middlesex pursuant to the following terms and conditions:

1. The Sponsor shall provide to the Borough an annual report not later than January 31 of each calendar year, which indicates the number and location of Managed Colonies, the number of cats in each such Managed Colony, proof of TNR compliance for all cats in such Managed Colonies, a certification from sponsor that all cats were vaccinated for rabies prior to release into such Managed Colonies and any other information reasonably requested by the Borough, shall be included with this information.
2. No cat shall be permitted to be transported from any other location except that nothing herein shall prohibit any cat from being relocated from one Managed Colony to another Managed Colony as defined herein.
3. Sponsor shall provide photographs of all Community Cats and cats maintained in Managed Colonies that have undergone TNR pursuant to this Ordinance.
4. Cats maintained in Managed Colonies shall not be deemed to be “off the premises of its owner” for purposes of N.J.S.A. 4:19-15.16(e).
5. Not more than 60 days after the adoption of this Ordinance, Sponsor shall provide all information required under Section 129-37A(1) hereunder. Unless established prior to adoption of this Ordinance, Managed Colony(ies) shall not be permitted within 50 feet of any school building.
6. Only Care Givers approved by Sponsor may feed or provide hydration to community cats.
7. Any complaints alleging a violation of this Section 129-37 shall be adjudicated as follows:
 - a. The complainant shall be informed that the Borough has enacted an Ordinance permitting the maintenance of cats in Managed Colonies.

- b. The Sponsor shall be advised of the complaint and shall be required to respond within 30 days and comply with any Ordinance, statute or other regulations or laws governing the act or omission giving rise to the complaint within 60 days or such reasonable time thereafter as determined in the sole discretion of the Borough.
- c. If the Borough is informed that an Animal Control Officer has come into possession of a cat from a managed colony, they shall immediately notify the Sponsor of such circumstance.

B. The Borough Administrator or her/his designee shall enforce the provisions of this Ordinance.

Ordinance No. 1848-14 shall be rescinded in its entirety and this ordinance shall take effect upon final passage and publication according to law.

Councilwoman Jenkins made a motion for the introduction of Ordinance No. 1850-14 seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADOPTION OF MINUTES

Councilman Schueler made a motion to approve the April 22, 2014 Regular and Executive Meeting Minutes seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Schueler and Tackach. Nos: None. Abstain: Kaplan.

REPORTS – STANDING COMMITTEES:

- 1. Finance/Taxation/Real Estate/Construction Official/Insurance –
 - A. Councilman Kaplan moved the approval of the February, March & April, 2014 Finance Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
- 2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco read the April 14, 2014 letter from Frank Terracciano of the Swim Pool Commission which was addressed to Middlesex Borough: “The Swim Pool Commission after further review of our financial with the Borough Auditor and Financial Committee, have decided to bond for \$1.1 million with the total cost of the project being \$1.3 million.”
 - B. Councilman Greco mentioned that as of this date there are approximately 700 registered members for the Middlesex Community Pool.
 - C. Councilman Greco mentioned that Sergeant Mastrogiovanni is adding another two dates to the “Stranger Danger” program for children from 12 – 16 year’s old.
 - D. Councilman Greco also reported that background checks are up to date for the recreation department for 2014. For softball they have made one change where

they are e-mailing confirmation to the Recreation Director. The policy will be updated.

3. Fire/OEM/Board of Health/Rescue Squad/Flood-Nothing to report
4. Public Works/Parks/Sanitation/Recycling
 - A. Councilman Schueler mentioned that in late April he met with the DPW Manager, Recreation Director, Councilman Greco and the Assistant Recreation Director about amending the ordinance for Mountain View Park to include in the permit fee the cost for the Park's Department overtime. This cost will be based on the size of the group, with a minimum of a 2 hour call out. If the size of the group exceeds 200 people, there is a potential of more than 2 DPW employees needed for overtime. At this time the amendment is in the planning stage.
 - B. Councilman Schueler mentioned that the DPW did a great job working on the flood, with all of the additional pickups that were needed.
 - C. Councilman Schueler met with Frank Ryan of the Victor Crowell Park Committee and discussed what improvements the committee is looking to make. The Borough Engineer has the plans for Victor Crowell Park improvements and will speak with the Victor Crowell Park Committee. Council President Kaplan met with our previous engineer to discuss the rocks located at the dam area. Our previous engineer was able to reach out in the field and get a landscaper that will remove the rocks at no cost and without any litigation.
5. Police/Legal/Code Enforcement/Municipal Court
 - A. Councilwoman Jenkins moved the approval of the March, 2014 Police Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
6. Administration/Department of Senior Services/Legislation/Licensing – Nothing to report.

REPORTS

Mayor

1. Spray-Tek – Spray-Tek now has an emergency number for the residents to call about odor complaints, but the procedure is still to call your complaint into the Police Department and describe the odor. The Police Department will direct your complaint to the county health department. Spray Tek should provide us with a monthly rundown of what is reported.
2. Host Community Agreement – Attorney Aithal will draft an agreement with Republic for the Host Community Agreement. They are paying .70 cents for 2014 and have agreed to pay .75 cents per ton for the next 3 years.
3. Buyouts – At this time we are close to removing the asbestos from the homes which are bought out.

4. Mayor Dobies reminded residents that if strangers are knocking on your doors, make sure that they have proper identification.
5. Mayor Dobies received a request from residents that experienced flooding from Seventh and Sixth Street have their permit fees waived. Council President Kaplan requested that the Mayor check with the Construction Official on this matter.
6. Council President Kaplan will look into the 11 – 12 logs that have to be chipped and how this will be handled.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2014(n)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #131-14 - Resolution #136-14

Councilman Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #131-14

WHEREAS, A. Bailey Plumbing & Heating was issued a Street opening permit on 2/3/12; and

WHEREAS, A. Bailey Plumbing & Heating paid \$550.00 with the Borough of Middlesex to ensure proper repair and maintenance of the sidewalk

WHEREAS, said sidewalk at 28 Wilson St was never touched all sewer work was done in the yard only.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$550.00 in favor of A. Bailey Plumbing & Heating, 919 Highway 33, Suite 28, Freehold NJ 07728, for refund of Street Opening Permit No. 2012-003.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #132-14

WHEREAS, Tunison Home Improvement was issued a street opening permit on 04/19/12; and

WHEREAS, Tunison Home Improvement deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 300-302 Runyon Avenue was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Tunison Home Improvement, 719 Bound Brook Road, Dunellen, NJ 08812, for refund of Street Opening Permit No. 2012-004.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #133-14

The Tax Collector is hereby authorized to refund 2014 property taxes on the following property. The finance/mortgage company overpaid.

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
209/105	Banner, Bruce A Lilliam 521 Wellington St	\$1,043.14

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #134-14

WHEREAS, the residents of 222 Fairview Avenue have requested to have a block party on Fairview Avenue between Mohawk Avenue & Delaware Avenue on May 31, 2014, with a rain date of June 1, 2014 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents of 222 Fairview Avenue, to conduct a block party on Fairview Avenue between Mohawk Avenue & Delaware Avenue on May 31, 2014, with a rain date of June 1, 2014 between the hours of 11 am. and 11 p.m.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #135-14

WHEREAS, the residents of 342 of Fairview Avenue have requested to have a block party on Osceola Avenue between Fairview Avenue & Clinton Avenue on May 24, 2014 between the hours of 12 p.m. and 10 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents of 342 Fairview Avenue, to conduct a block party on Osceola Avenue between Fairview Avenue & Clinton Avenue on May 24, 2013 between the hours of 12 p.m. and 10 p.m.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #136-14

Authorizing the Mayor and Borough Clerk to execute the Host Community Agreement between the Borough of Middlesex and Importico, Inc. effective May 1, 2014.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #137-14

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Council President Kaplan made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. Nos: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Twice a Week Garbage Pickup – This will begin the first Monday in June and end the last Friday before Labor Day Weekend.
2. Summer Office Hours – The Administrative Committee will work on adding a Policy that Mayor Dobies proposed be included into the Personnel Policy. The summer hours for this year will begin on May 30th and end the last Friday before Labor Day Weekend.
3. Transparency – Distribution of Borough Correspondence and Communication – Council President Kaplan requested that all mail received by the Mayor, with the exception of confidential mail, be opened by the Borough Clerk and immediately copied to the Council to avoid any delays. Mayor Dobies was opposed to the opening of his mail, but was informed by the Borough Attorney that if a policy was established by the Council this could be done. It was suggested that this be sent to the Administrative Committee to review.
4. Demolition of 5 Glen Gary Road – The contractor would like to get paid as soon as this job is completed. Council suggested that they reach out to the finance company that holds the reverse mortgage to see if they would put out the money.
5. Rocks at Victor Crowell Park – This was discussed above.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Pete Wozniak, 1200 Sheridan Avenue discussed (1) the appropriations outside of cap being up 10.4%, (2) the reserve for uncollected taxes that went up 7.6%, (3) requested to get the collection percentage for last year; (4) concern that Middlesex Borough has the 8th highest tax rate in the County; and (5) suggested that a cross examination of the school budget be done by the governing body.

Betty Platten, 4 Hooker Avenue discussed (1) if Spray Tek knows what is going into the air, (2) pile of logs on Cap Lane, (3) block party on Fairview Avenue; and (4) amount of money collected from Importico in their Host Community Agreement.

John Erickson, 209 Second Street concerned about the lack of notification about the flooding to the residents at the last storm and if all the technology that we have is being used. Also he is concerned of the trees that are in the brook and would like the Mayor and Council to act on them.

Tony Collins, 14 Center Place questioned how we hired a CFO when the budget states that we would not be hiring anyone.

Frank Ryan, 303 Maple Street discussed (1) Garbage being put at curb in plastic bags; (2) The horrendous odor from Spray Tek and request to notify Governor; (3) Picking up of bulk from tenants moving out; (4) The status of the rocks at Victor Crowell Park; (5) Questioned the sense of having a Victor Crowell Park Committee and why some of these rocks can't be used on Ashland Road to make a border along the street.

John Ellery, 701 Lincoln Boulevard discussed (1) status on the sewer issue; (2) what is happening with this year's sewer bills; and (3) condition of Baekeland Avenue road.

John Hoffman, 455 Lincoln Boulevard discussed what is being done with the host community money that is received and the pot holes on South Avenue.

Mayor Dobies addressed all questions from the Public.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #138-14

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Hiring of an Administrator

Councilman Schueler made a motion for approval seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

Councilman Greco moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk